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14 **UNITED STATES DISTRICT COURT**
 15 **EASTERN DISTRICT OF CALIFORNIA**

17 DRAKE S. JONES,
 18 Plaintiff,

NO. 2:09-CV-01025-WBS-DAD

19 vs.

**APPLICATION AND [PROPOSED]
 ORDER TO MODIFY FINAL
 PRETRIAL ORDER**

20 COUNTY OF SACRAMENTO et al.,
 21 Defendants.
 22

23 _____/

24
 25 COME NOW THE PARTIES by and through their respective counsel and subject to
 26 the approval of this Court, hereby agree and stipulate to and respectfully request that the
 27 proposed modifications and/or amendments to the Final Pretrial Order described below be
 28 ordered.

1 The parties jointly request the Court make the modifications described below
2 because plaintiff's counsel has been involved in a criminal jury trial for the past three weeks
3 and does not anticipate that being completed until sometime next week. The parties
4 understand that the court has started a lengthy criminal trial which will necessitate the trial
5 date in this matter being moved. Additionally, in view of this, the parties don't believe this
6 will cause any inconvenience to the Court. The parties are exploring the possibility of
7 stipulating to having the matter tried before a Magistrate in order to get the matter to trial
8 quicker and relieve court congestion.

9 The parties' requested modifications are as follows:

- 10 • That plaintiff's advisement to the court regarding whether he intends to
11 dismiss any additional claims, currently ordered to be completed by September 24, 2010, be
12 completed by October 1, 2010;
- 13 • That the statements designating all answers to interrogatories and all portions
14 of depositions intended to be offered or read into evidence, currently ordered to be filed by
15 September 23, 2010, be filed by September 30, 2010;
- 16 • That any counter-designation of other portions of the same depositions
17 intended to be offered or read into evidence and any evidentiary objections to any other
18 parties' designation, currently ordered to be filed by October 1, 2010, be filed by October 8,
19 2010;
- 20 • That any evidentiary objections to any other party's counter-designation,
21 currently ordered to be filed by October 6, 2010, be filed by October 13, 2010;
- 22 • That copies of all jury instructions that plaintiff requests be given on
23 plaintiffs' claims, currently ordered to be lodged and served by September 28, 2010, be
24 lodged and served by October 5, 2010;
- 25 • That plaintiff's proposed form of verdict currently ordered to be filed and
26 served by September 28, 2010, be filed and served by October 5, 2010;
- 27 • That defendants' objections to plaintiff's proposed jury instructions, currently
28 ordered filed and served by October 1, 2010, be filed and served by October 8, 2010;

1 • That any jury instructions not already proposed by plaintiff which defendant
2 requests be given, currently ordered to be lodged and served by October 1, 2010, be lodged
3 and served by October 8, 2010;

4 • That defendants' proposed form of verdict and objections to plaintiff's
5 proposed form of verdict, currently ordered to be filed and served by October 1, 2010, be
6 filed and served by October 8, 2010;

7 • That plaintiff's objections to defendants' proposed instructions and proposed
8 form of verdict, currently ordered to be filed and served by October 6, 2010, be filed and
9 served by October 13, 2010;

10 • That all proposed jury voir dire questions, currently ordered to be submitted
11 by September 29, 2010, be submitted by October 6, 2010;

12 • That trial briefs, including any motions in limine, currently ordered filed by
13 September 29, 2010, be filed by October 6, 2010;

14 • That any oppositions to motions in limine, currently ordered filed by October
15 6, 2010, be filed by October 13, 2010;

16 • That an exchange of exhibits, currently ordered to be completed by October
17 6, 2010, be completed by October 13, 2010; and

18 • That any objections to exhibits, currently ordered filed and served by October
19 8, 2010, be filed and served by October 15, 2010.

20
21 **IT IS SO STIPULATED**

22 Dated: September 23, 2010

LONGYEAR, O'DEA AND LAVRA, LLP

23 By: /s/ John A. Lavra

24 John A. Lavra

Jeri L. Pappone

25 Amanda L. Butts

26 Attorneys for Defendants
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Dated: September 23, 2010

LAW OFFICE OF STEWART KATZ

By /s/ Stewart Katz

Stewart Katz
Guy Danilowitz

Attorneys for Plaintiff

IT IS SO ORDERED:

Dated: September 23, 2010



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE